

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 12-38

March 12, 2012

TO: All Regional Directors, Officers-in-Charge
and Resident Officers

FROM: Anne Purcell, Associate General Counsel

SUBJECT: Revisions to Unfair Labor Practice Casehandling Manual

The Unfair Labor Practice Casehandling Manual has been updated.¹ The revision highlights are set forth below:

- (1) Section 10054.2(b) – includes guidance as to obtaining backpay and other remedy information during the initial investigation
- (2) Sections 10054.2(e), 10132.4, 10166.6 – revises guidance as to electronic notice posting
- (3) Section 10118.1 through .3 – provides further guidance regarding deferral procedures and reviews following grievance settlements and arbitration awards
- (4) Section 10130.4 – discusses oral waivers of reinstatement
- (5) Sections 10131.1 – provides further guidance regarding remedies in first contract bargaining cases
- (6) Sections 10131.4 – discusses backpay remedies in settlement agreements
- (7) Sections 10131.6 (new) – discusses remedies in settlement agreements in cases involving organizing campaigns
- (8) Section 10146.3 – discusses contents of “scope of agreement” section in settlement agreements when a complaint has not issued
- (9) Section 10146.7 – sets forth default language in settlement agreements
- (10) Sections 10168 (Pattern for Formal Settlement Stipulation in CA Case) and 10170 (Pattern for Formal Settlement Stipulation in CB, CC, CD and CE Cases) – revised to include provision for electronic notice posting
- (11) Section 10266.5 (renumbered) – provides further guidance regarding consolidating compliance proceedings with underlying unfair labor practice proceedings
- (12) Section 10266.7 (new) – discusses backpay remedies in formal proceedings

¹ These revisions are the efforts of former RD Richard Ahearn, Region 19; ARD Don Gardiner, Region 14; RA Garey Lindsay, Region 9; RD Rik Lineback, Region 25; and Dep. Assoc.GC Nelson Levin, Operations-Management.

- (13) Section 10266.8 (new) – discusses remedies in formal proceedings in cases involving organizing campaigns
- (14) Section 10281 – discusses motions for default judgment based on non-compliance with a settlement agreement containing default language
- (15) Section 10391 (new) – discusses video testimony at unfair labor practice hearings
- (16) Section 11753.2 – clarifies that authorization from the Division of Advice should be sought when an ALJD rejects an Advice-authorized legal theory and the Regional Office recommends against filing exceptions
- (17) Section 11770.8 – provides further guidance regarding referrals of oppositions to petitions to revoke an investigative subpoena

The above revisions are available on the Agency's website (www.nlr.gov) as well as on the Agency's intranet for viewing. Where possible, references to GC and OM Memoranda have been hyperlinked to the memoranda for the user's convenience. The manual is currently being reprinted and will be distributed upon completion.

If you have any questions regarding this memorandum, please contact your AGC or Deputy or the undersigned.

/s/
A.P.

cc: NLRBU

Release to the Public